

refused to recognize the authority of the board of health, and who had been fined \$5 in Police Court for non-appearance, was sworn. He testified that he was not a contributor, but thought his brother had done so for him.

Shorn Didn't Know Much. He had heard a great deal of talk about the matter, but proved a most reluctant witness, saying: "I don't pay to know too much," feeling away again and again with the statement that he knew so little that he wouldn't like to tell the truth. Finally, he admitted that he understood the money was to be paid to the two lawyers "for passing the bill through," though whether it was to go through the Board of Health or the Council he did not know.

He admitted that he came from the country and knew little of such matters, but testified that he had fed the swill for years, except when the distillery closed down, and he had never been reported, and that he knew it had been against the law. He assured the committee that he had meant no disrespect in not coming before, and the police justice was requested to remit the fine.

City Clerk Ben T. August testified that at the meeting of the Council on March 7, Mr. Wise got the dairy ordinance, recommended by the Board of Health, from his desk, and got Dr. Read to introduce it under suspension of the rules. Mr. August said Mr. Wise was with Dr. Levy when he later brought the ordinance before the Health Board of the Council. Under the ordinary course, he said, the ordinance would have been presented by the president as a communication from the Board of Health, and referred to the Committee on Ordinances, Charter and Reform.

Policeman Louis Kellam, who summoned a number of dairymen to Mr. Pollock's office, told of a conversation with L. H. Kellam, Jr., who remarked that the summons was presented, "I wonder if it was about the swill business. I think Mr. Pollock has fixed that."

Recalls Burial Case. George Bryan, for four years a member of the Council and a well known attorney, testified as to the ethics of the case, concurring largely with the view of Judge George L. Christian. "There is no law in this State," he said, "which makes it illegal for a member of a legislative body, either State or municipal, to appear as counsel before an administrative board, either State or municipal. There is an act of Congress which makes it a misdemeanor for any Senator or Representative to appear before national boards or departments, and prosecutions have been had under that law both in the Federal courts and before the two houses of Congress more than once, most notably, perhaps, in the case of Senator Burton, of Kansas, who was convicted of appearing as an attorney before a department in Washington and sentenced to a prison term. There is no such State law, so far as I am advised."

"As to the propriety of such a course I think it injudicious. Canon 25 of the Code of Ethics of the Bar Association of Richmond, which is substantially founded on that of the Virginia and American Bar Associations, prohibits any attorney from engaging in a litigation in which there may be a conflict of interests. It would be highly improper for an attorney to represent both the defendant and the plaintiff in a contest, or to appear as counsel for one of the parties in a case where there is a conflict of interests. The code does not mention in terms a conflict of interests, one of which is an official interest, but it is my opinion that such employment is against that canon. It approaches the danger line very closely, and it is always wise for an attorney to keep on the safe side."

"Decline Fee or Resign." There was no reason, according to the witness, why a lawyer-councilman should not appear before the court, even in a case where he is charged with violation of city ordinance where the argument was over a question of fact. "But," said Mr. Bryan, "he should not accept a fee that will incapacitate him from performing his legislative duties. I may be old-fashioned in my views, but I think they have declined the fee or resigned from the Council."

Mr. Lynch asked whether they should not, have, told Dr. Levy that they were there as lawyers, not as councilmen, and Mr. Bryan said that Dr. Levy might have naturally assumed from the circumstances and their appearance in the Taylor case in court that they were not working for nothing. Mr. Ratcliffe wanted to know if he and Mr. Lynch had gone before Dr. Levy advising a matter, would he have supposed they were receiving compensation, not being lawyers? The witness thought not—that it was a part of a Councilman's duty to look after his constituents and present their cause before the city officers."

Mr. Patterson Concurs. A. W. Patterson, another attorney, concurred with Mr. Bryan in the main, except as to the distinction between a lawyer and a layman.

"I don't see why Dr. Levy should have assumed that they were paid," he said. "They might have been acting as citizens and councilmen. I think if they were appearing in the capacity of attorneys they should have so stated. There is a section of the code of ethics which clearly bears on the point. Section 24 says that an attorney may openly and in his true character render professional services before boards, committees and similar organizations, but that it is clearly illegal to conceal his attorneyship or by secret solicitation to use means to influence action. I think they should have told Dr. Levy they were lawyers for the dairymen. There ought not to have been any element of doubt. The natural assumption would have been that they were acting as councilmen, not as attorneys."

Dr. Levy Recalled. Dr. Levy recalled to the stand, repeated that he had not considered either Mr. Wise or Mr. Pollock as attorneys, and that after the Taylor case he had told them that the Board could do



Worth trumpeting about. Your toes will be interested in this fine new lot of Berry shoes.

All sorts of shapes in patent leather, russets, tans, blacks and white.

Every occasion is covered as well as your feet.

The Berry, \$3.50, \$4 and \$5. Hanan's—\$6 and \$8.50.

We take care of the head and body just as well as the feet.

nothing so long as the ordinance stood in the way. He stated that he considered them throughout as councilmen assisting in getting through a wise and proper amendment, as other men in the Council were aiding in the work of the Health Department.

"I had no idea they were paid," said Dr. Levy. "As to this matter of a construction of the ordinance so that it was possible for us to allow it to be fed, I never heard of the point raised until I read Mr. Wise's statement of the case. We all understood it was necessary to amend the ordinance, and we never asked to make any such discrimination."

Mr. Detrick was recalled and asked the direction question, "Was Dr. Levy told by Mr. Wise and Mr. Pollock to do for you?"

"To get us the permission to feed waste just as it was prior to Dr. Levy's letter of July, 1908," he answered. Robert Golden, a reporter for the News Leader, was sworn and asked if he ever heard that he had been told to notify his clients to feed the waste. The witness answered that he had impression, but could not swear that Dr. Levy told him so. C. E. Smith, a reporter for the Journal, testified that Dr. Levy told him in answer to a direct question that the ordinance had not been suspended, but that his inspectors had been instructed not to be too vigorous, as the ordinance would be repealed before any prosecutions could reach the Hustings Court.

Mr. Wise then took the stand, and in a clearcut statement outlined his connection with the case from the beginning. He swore that he had never discussed with Dr. Levy the amendment to the ordinance until after permission to feed the waste had been secured. He told of the Taylor trial and appeal, and said it was at that time he got from Dr. Levy the idea of a difference being made between fresh waste and manure. He told of his waste employment by Miller & Detrick, who offered to pay \$1,000 to feed the waste. "I felt that it was a proper and right permission, and that Dr. Levy had the right to grant it and discriminate between fresh waste and manure for the cows, and I accepted the employment and associated Mr. Pollock."

It was in a later conversation, the witness went on, that Mr. Detrick said something about the amendment to the ordinance, and right there Mr. Pollock said he would have nothing to do with an amendment to the ordinance, and if it was in their minds that he was retained both before the Health Department and to secure the amendment, he would not do it. "I felt that I had the right to accept the whole, but that it might be in their minds that the fee covered a double service," he said. Before Mr. Pollock understood why I had cut the fee, he objected, but I had cut it right."

"Mr. Pollock told me that Dr. Levy had told him it was all right—to go ahead and to make sure of the permission. I went to see Dr. Levy myself, and I told him that I was going to go ahead and use the fresh waste in a sanitary manner and there will be no trouble. I realized then that I had earned my fee, and telephoned Detrick to let him and several lawyers asked Detrick to come up and settle. The question of an amendment to the ordinance had not been discussed. I did not then know that Beattie and Saunders had been before the board. That is the whole story, briefly told."

"As to the ordinance, I talked with Dr. Levy as to the verbal construction. When he said the board wanted to amend it I was sincerely glad, as it would settle an old quarrel with the dairymen. Mr. Pollock's interest in the matter then entirely ceased, but I am personally interested in the Richmond Dairy to the extent of about \$15,000, and the question of this amendment was of great personal interest to me. My own idea was to have refused to vote on the matter because of my personal pecuniary relation to the dairy business, regardless of my employment as attorney."

Mr. Pollock followed with a clear and deliberate statement of his connection with the affair, beginning with his defense of Taylor in the Hustings Court for a fee of \$100, which was paid. It was Taylor who told him he knew of dairymen who would put a fund of \$1,000 for permission to feed the waste.

"I told him I would take the matter

up and see what could be done, and for him to get his people together and Mr. Wise," said Mr. Pollock.

"I discussed the matter then at some length with Dr. Levy, telling him I thought they had no right to prevent the feeding of this waste in a proper manner, but not one word was said as to any amendment of the ordinance. I went to see Dr. Levy many times to urge on him the granting of this privilege, which I thought he could properly grant, and which the dairymen were entitled to. He suggested that the distilleries install drying apparatus, and we thought the problem had been solved, but they said the machinery was too expensive in the face of possible prohibition. I agreed to cut the fee to \$500 when Dr. Levy explained his reasons. I interviewed Dr. Levy again and again, and he did finally tell me in his office that it was all right, and that if fed in a sanitary way there would be no trouble about it. He said he had talked with a number of members of the Health Board. That was late in January, probably before the board acted."

"Up to that time I knew nothing about any amendment to the ordinance and didn't know the board contented taking any official action. I never spoke to any member of the Council or to Dr. Levy about such a change of the ordinance. When the matter came up I put the Council on notice and did not vote even on suspension of the rules."

"Wanted the Money." Mr. Pollock said that he had once before been employed as counsel for several claimants for damages from the city, and was at that time excused from voting. City Attorney Pollard, he said, appeared for the city and knew of his employment. "I was employed to obtain a permission that Dr. Levy could grant," he asserted. That permission was obtained and my fee was secured. I was persistent after Mr. Wise to collect the bill, as I wanted the money, and the fact that it was paid after the ordinance was signed was a mere incident. I didn't know Mr. Wise was obtained and had further interest after that permission was granted by Dr. Levy. When the evidence was all in Dr. Levy put Medical Inspector W. Brownley Foster on the stand relative to the testimony of former Clerk Coleman Cutchins, who had overheard part of a conversation between Dr. Levy and Mr. Wise. Dr. Foster thought the conversation related to the shipping in of cream from dairies not inspected, and that Dr. Levy had told Mr. Wise to go ahead and tell his people, the Richmond Dairy, to buy from New York State creameries and it would be all right.

The evidence then closed and the committee rose subject to the call of the chair. The further sittings will be executive for the purpose of formulating a report.

THIN LINE OF BLUE PASSES IN REVIEW (Continued From First Page.)

The graves were marked with tiny American flags and appropriate addresses delivered by Northern and Southern speakers.

At some places the graves of Confederate soldiers were also decorated by the Union veterans.

MEMORIAL DAY AT CREWE. Procession to Cemetery and Soldiers' Graves Decorated.

[Special to The Times-Dispatch.] Crewe, Va., May 30.—Memorial Day was observed here to-day with exercises at a most interesting and impressive program. The Farmville Band, consisting of fourteen pieces, was first in line, followed by H. M. Wise, Jr., of the local banks, and the Junior, B. R. F. Conductors, Engineers, Pythians, Eastern Star, Rebekah, G. A. R., Protestant, Baptist, Methodist and Christian Sunday schools, and Uniformed Rank, Knights of Pythians. The procession assembled at Hotel Oliver and marched to the cemetery.

The order of exercises was as follows: Section by the band, while graves were being decorated; song by Sunday school scholars; remarks by Mayor; prayer; quartet; addresses; band selection; hymn; and benediction.

Observed at Staunton. [Special to The Times-Dispatch.] Staunton, Va., May 30.—Memorial Day was simply celebrated here, the exercises being chiefly confined to decorating the graves in the National Cemetery. The post-office and banks were closed.

Valley Lodge, No. 18, K. P., to-night held a reception in honor of H. M. Wise, Jr., a member of the recently elected grand chancellor at Lynchburg. Besides Mr. Lewis, there were several other speakers.

Observed in Emporia. [Special to The Times-Dispatch.] Emporia, Va., May 30.—Memorial Day was observed here in the usual manner by the local banks and by the post-office people. The latter observed the day by closing their banks made the occasion a legal holiday.

Donovan—Gordon. [Special to The Times-Dispatch.] Fredericksburg, Va., May 30.—John Donovan, formerly of England, and Miss Geneva Gordon, of Richmond, were married here to-day. The Rev. B. E. Hudson officiated.

THE WEATHER.

Forecast: Virginia—Partly cloudy in south; showers in north portion Tuesday; cooler in central and southern portions; Wednesday, clear in west; showers in west portions; light north-west to north winds.

North Carolina—Fair Tuesday; cooler in central and south portions; Wednesday, fair in east; showers in west portion; light to moderate northwest to north winds.

CONDITIONS YESTERDAY. Showers. Thermometer at midnight, 65.

CONDITIONS IN IMPORTANT CITIES. (At 3 P. M. Eastern Standard Time.)

Place	Temp.	Wind	Weather
Memphis	66	SE	Clear
Kansas	70	SE	Clear
Norfolk	72	SE	Clear
Richmond	72	SE	Clear
Mobile	82	SE	Cloudy
Oklahoma	84	SE	Cloudy
Buffalo	84	SE	Cloudy
Charlotte	84	SE	Rain
Tampa	78	SE	P. cloudy
Savannah	82	SE	Cloudy
Key West	82	SE	Cloudy
Raleigh	74	SE	Clear
Washington	64	SE	Clear
Charleston	84	SE	Clear
Savannah	84	SE	Clear
Wilmington	78	SE	Clear
Jupiter	74	SE	P. cloudy
Atlanta	80	SE	Clear
New Orleans	80	SE	Clear
Asheville	80	SE	Clear
Pittsburg	70	SE	Clear
Cincinnati	60	SE	Clear
Detroit	72	SE	Rain

MINIATURE ALMANAC. May 31, 1910. Sun rises... 4:52. Sun sets... 7:25. Moon rises... 1:10. HIGH TIDE. Morning... 10:15. Evening... 11:15.

A CABLE AD. EVERY DAY

## Second Week of the Cable Piano Company's Manufacturers' Exhibition Piano Sale

The **INNER-PLAYER** Exhibit, the **VICTOR** Talking Machine Exhibit

And Five Carloads of Exposition Pianos from the Factories of

### The CONOVER, The CABLE, The KINGSBURY, The WELLINGTON, The SCHUBERT

The De Rives and Harris, The Radle, The Jepson, the Cote.

## ALL NOW ON EXHIBITION AT OUR SALESROOMS

### Come Early To-Day

We have many agreeable surprises in store for you. We are alive and wide-awake to this wonderful chance for demonstrating that the Cable Piano Company leads in everything musical in Richmond. We will show you Pianos that are poems.

### People Came By Scores Last Week

And many availed themselves of the opportunity to purchase one of the fine Exhibition Pianos.

There are a number of these high-grade instruments left, each of the highest grade in its class—made especially to go on exhibition and for critical examination by expert manufacturers, dealers and musicians from all parts of the United States—these Pianos have received extraordinary attention during each and every process of manufacture, and therefore represent the very highest type of the artist's and artisan's handwork.

The collection of these choice Pianos from the various factory exhibits in our salesrooms present an excellent opportunity for an intimate personal examination, and this interesting and unique display will, we promise you, prove both pleasant and profitable.

### Victor Department

We have purchased the splendid exhibit of the Victor Talking Machine Co., shown at the Horse Show Building during the National Piano Show.

It comprises some of the most beautiful Victorolas ever made by the Victor Company and they are now to be seen at our salesrooms where you are cordially invited to come.

### Sound-Proof Rooms

(On the Main Floor.)

Two soundproof, plate-glass rooms have been installed for the use of customers

The Victor Department Alone Is Worth Your While to Visit

### ..The Opportunity of a Lifetime to Purchase a High-Grade Piano..

Phone Mad. 2734—CABLE PIANO CO.—213 East Broad

## News of South Richmond

South Richmond Bureau. The Times-Dispatch, 1103 Hull Street.

A lively fistfight took place last night about 8:30 o'clock, the participants being Ben Hastings, a young white man of South Richmond, and J. A. Trench, masterman from Petersburg. Squire Jordan was summoned, but the matter was settled out of court, both men being fined \$2.50 and costs. It seems that Hastings, accompanied by three young women, was waiting at Seventh and Perry Streets for the Forest Hill car, when Trench, with another man, stepped off the Petersburg car. Trench is declared to have made some remark. Hastings resented the words, whereupon Trench compared the former's physiognomy with the comet, 50,000 miles distant. Blows were delivered, the Petersburg man being knocked down twice. "Jim" Nunnally made his debut, and carried the men to the station-house in his first arrest as an officer of the law. Both men paid their fine without complaint.

Two Small Fires. The first was at the Seaboard Air Line trestle about 7 o'clock. The blaze did little damage. Fireman Walter T. Smith extinguished the fire with a chemical.

The other occurred at the home of William Lowery, 1804 Everett Street. A child was told to turn on an oil stove light lower, but turned it up, setting fire to the side of the house. The damage was trivial.

Baseball News. The South Richmond Wizards were defeated by the Billikens Saturday by a score of 5 to 2. By terrific batting, L. Gentry was knocked from the rubber in the eighth inning, seven Billikens crossing the plate. The Wizards lost their cunning in closing the game, returning Thursday night, but they equalized in fielding, with fifteen errors marked against them.

Score by Innings. R. H. E. Billikens.....0 10 0 1 0 7 1 0 9 2 Wizards.....1 0 1 0 0 0 0 0 2 1 X Batteries—Whitfield and Creamer; L. Gentry, Donovan and Livesey.

Items of Interest. Mr. and Mrs. W. E. Gill, of Chesterfield county, announce the marriage of their daughter, Fannie, to Reeves Webb, of South Carolina. The wedding will take place June 8 at Gill's View, the home of the bride.

Holiday hours were observed here yesterday, the carriers not being required to make all the regular deliveries or collections.

T. W. Blum, of Chesterfield county, has purchased the "Dellwood" Farm of 32 acres in Chesterfield county, the purchase price being \$25,000. This is said to be one of the best equipped farms in the county, and has in addition some \$600,000 feet of fine timber on it. It is understood that the purchaser will make a specialty of raising bright tobacco.

This afternoon at 2:30 o'clock the closing exercises of Eutaw School, in Chesterfield county, will be held. Dr. Hazen, Superintendent of Schools of Chesterfield county, will deliver an address.

The graduating class of this year is composed of Misses Hazel Rogers, Bessie Beale and Thelma Moore. Mr. and Mrs. Edwin Walthall, who were recently married in Yorktown, have returned home from their honeymoon trip and are at home to their friends at 1027 Decatur Street.

Matthew Gibbs, a Confederate veteran, died yesterday.

TO RELIEVE HEADACHE AND INSOMNIA caused by summer heat, nervousness or impaired digestion, take HORSFORD'S Acid Phosphate.

caused a fire. The loss amounts to \$5,000, with insurance of only \$2,500. [Special to The Times-Dispatch.] Suffolk, Va., May 30.—Dempsy Lassiter, ninety years old, a former Confederate veteran and member of Stonewall Brigade, died last evening at his home in Magnolia. Two daughters and three sons survive him.

[Special to The Times-Dispatch.] West Point, Va., May 30.—J. E. McAllister, a well known Southern Railway engineer, died suddenly at his home here to-night at 7:30 o'clock. He is survived by his wife and three children.

Rev. A. A. Jones. [Special to The Times-Dispatch.] Norfolk, Va., May 30.—Rev. A. A. Jones, aged sixty-seven years, one of the oldest active members of the Virginia Conference, Methodist Episcopal Church, South, died to-day at the home of his son, Rev. G. W. Jones, in Norfolk, following paralysis. He was on the Confederate Virginia (Merrimac) at the time of the Hampton Roads engagement between the Virginia and Monitor, and was in one of the last two boats that left the Virginia when she was subsequently blown up by her own men off Craney Island. The interment will be at Petersburg, Va., tomorrow.

Deaths. CARDEN—Died, suddenly, yesterday (Monday) morning, at his residence in Henrico county, J. W. CARDEN, aged fifty-five years. Funeral from the Berea Baptist Church at 10 o'clock to-morrow morning.

Ralph Featherston. Ralph Featherston, infant son of F. M. and Inez Featherston, died at the Memorial Hospital at 5:20 o'clock yesterday afternoon.

Funeral of Ralph Pierce. The funeral services of Ralph Pierce, son of Mr. and Mrs. Lee Pierce, will be held from the Denny Street Methodist Church at 10:30 o'clock to-morrow morning.

Miss Florence Whitehorse. [Special to The Times-Dispatch.] Emporia, Va., May 30.—Miss Florence Whitehorse, daughter of Mr. and Mrs. E. M. Whitehorse, whose home is near Jarratt, this county, died early yesterday morning. The interment was made near the family residence.

Fire Loss of \$6,000. [Special to The Times-Dispatch.] Harrisonburg, Va., May 30.—Lightning on Sunday night struck the storehouse of A. L. Lindamood & Co., Bowman's Crossing, Shenandoah county, and caused a fire. The loss amounts to \$6,000, with insurance of only \$2,500.

Funeral of Rev. A. A. Jones. The funeral of Rev. A. A. Jones, who died in Norfolk Sunday night, will be held at the Petersburg Methodist Church Wednesday MORNING at 11:30 o'clock.

Pierce—The funeral services of RALPH PIERCE, son of Mr. and Mrs. Lee Pierce, will be held from the Denny Street Methodist Church Wednesday MORNING at 10:30 o'clock, June 1st.

Everybody Loves Flowers. Flowers for everybody at HAMMOND'S. Mad. 630. 109 E. Broad.

It Grows on You. The saving habit may not be easy to start, but once begun it grows on you. It's interesting to watch the figures grow in your bank book, helped by the 3 per cent. interest.

PLANTERS NATIONAL BANK. Capital, Surplus & Profits, \$1,500,000. Write for booklet, "Banking by Mail."

Bulletin No. 28

Forceful Facts for the Rebuilding of the

University College of Medicine

1. In existence seventeen years; burned January of this year.

2. Has matriculated 4,429 students; graduated 1,095.

3. Of these, 751 are doctors, 168 dentists, and 176 druggists.

4. They practise their professions in thirty States and foreign countries.

5. College and hospital buildings constructed, costing more than \$160,000.

6. Has developed a faculty of seventy-five teachers, who, because of this work, has furnished Richmond better doctors.

7. Has erected and maintained the Virginia Hospital, where hundreds of the poor have been treated without charge.

8. Has conducted a Medical Dispensary, where the sick of the city has been given free advice and medicines.

More To-Morrow Will You Help Us as We Have Helped You?

Sanitol Tooth Powder, and Sanitol Tooth Paste are different from other dentifrices.

They impart a cooling and refreshing sensation to the mouth and gums.

Their special antiseptic properties keep the mouth toned up for hours afterward.

25c, wherever toilet articles are sold.